

**TOWN OF LOXAHATCHEE GROVES  
ORDINANCE NO. 2016-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED "BUDGET AND APPROPRIATIONS," TO DELETE SUBSECTION (6) ENTITLED "REVENUE BONDS; LEASE-PURCHASE CONTRACTS," WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

**WHEREAS**, Section 6, entitled "Budget and Appropriations," subsection 6, entitled "Revenue Bonds; Lease-Purchase Contracts," of the Town Charter requires approval by referendum of certain borrowing where the repayment of which is in excess of thirty-six (36) months; and,

**WHEREAS**, removing subsection (6) of the Charter will enable the Town Council to authorize borrowing where the repayment terms of which exceeds thirty-six (36) months; provided that this change would not affect any referendum required by state law; and,

**WHEREAS**, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Section 6, entitled "Budget and Appropriations," subsection (6) entitled "Revenue Bonds; Lease-Purchase Contracts," of the Town Charter of the Town of Loxahatchee Groves, Florida, shall be amended as follows:

Section 6. Budget and appropriations.—

(6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS -- The provisions of this subsection have been deleted by approval of the Electors of the Town at the August 30, 2016, special referendum election.

~~Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.~~

**Section 3.**

The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO DELETE REFERENDUM REQUIREMENT FOR CERTAIN DEBT

**Section 4.** At the Special Election called herein, on August 30, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

The Town Charter currently requires approval by referendum of revenue bonds, lease purchase contracts, or any other unfunded multiyear contracts to purchase real property or construct capital improvements where the repayment term exceeds thirty-six (36) months. Deleting this provision would permit the Town to borrow funds for any lawful governmental purpose without a referendum unless a referendum is required by state law. Should the Town Charter be amended to delete this provision?

This proposed amendment has no financial impact to the Town

YES ☐ NO ☐

**Section 5.**     **Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

**Section 6.**     **Referendum Election.** Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

**Section 7.**     **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 8.**     **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 9.**     **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 10. Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS 31<sup>st</sup> DAY OF MAY, 2016.**

Council Member MCLENDON offered the foregoing resolution. Council Member JARRIEL seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 17<sup>th</sup> DAY OF MAY, 2016.**

**TOWN OF LOXAHATCHEE  
GROVES, FLORIDA**

ATTEST:

Virginia Walton  
Virginia Walton, Town Clerk

David Browning  
Mayor David Browning

Tom Goltzené  
Vice-Mayor Tom Goltzené

Ronald Jarriel  
Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

[Signature]  
Office of the Town Attorney

Ryan Liang  
Council Member Ryan Liang

Todd McLendon  
Council Member Todd McLendon

## RECEIPT

**TOWN OF LOXAHATCHEE GROVES  
NOTICE OF PUBLIC HEARING  
FOR SUBMITTING TO REFERENDUM  
AN AMENDMENT TO THE TOWN  
CHARTER**

The Town Council for the Town of Loxahatchee Groves proposes to adopt the following Ordinance:

**ORDINANCE NO. 2016-04**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED "BUDGET AND APPROPRIATIONS," TO DELETE SUBSECTION (6) ENTITLED "REVENUE BONDS; LEASE-PURCHASE CONTRACTS," WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Loxahatchee Groves will conduct a Public Hearing on Ordinance No. 2016-04 on Tuesday, May 17, 2016, commencing at 7:00 p.m. The Public Hearing of the Town Council shall be held at the Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470. The ordinance was passed on first reading at the Regular Town Council Meeting of the Town of Loxahatchee Groves, Florida on Tuesday, May 3, 2016. The Town Council will consider approval of the ordinance on a Public Hearing on second reading.

All interested persons are invited to appear at the Public Hearing, which may be continued from time to time, and may be heard with respect to these matters. A copy of Ordinance No. 2016-04 is on file at the Town Hall, 155 F Road, Loxahatchee Groves, Florida, 33470, for inspection by members of the public during normal business hours.

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Hall Office at: (561) 793-2418 at least five days prior to the Public Hearing date.

Virginia M. Walton, MMC  
Town Clerk  
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5-7/2016 #599358

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Account: G792  
Name: TOWN OF LOXAHATCHEE GROVES  
Address: 155 F RD  
LOXAHATCHEE GROVES FL 33470-4949

Phone: 561-793-2418  
E-mail:

Order Name: Notice of Public Hearing  
Order Id: 599358  
Original Order Id:  
Copy Line: TOWN OF LOXAHATCHEE GROVESNOTICE OF PUBL  
Sales Rep: PB116 R Hindmarch (P)  
Purchase Order:  
Pay Type: Billed  
Account Group:  
Caller: Virginia Walton

Section: 6205 Legal Notices  
Reply Request:  
Tear Sheets: 0

**Order Summary**

Base:	\$292.40
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$292.40

**Payment Summary**

*No payment information available.*

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